

Guideline Leaflet C06: Churches and Charity Registration

All Baptist churches are individual charities in their own right but not all churches have to register with the Charity Commission. This leaflet explains which churches have to register and offers them further guidance.

This Guideline Leaflet is regularly reviewed and updated. To ensure that you are using the most up to date version, please download the leaflet from the BUGB website at www.baptist.org.uk/resources

The date on which the leaflet was last updated can be found on the download page.

C06: Churches and Charity Registration

These notes are offered as guidelines by the Legal and Operations Team to provide information for Baptist churches.

The legal services undertaken by the Legal & Operations Team of the Baptist Union of Great Britain are carried out and/or supervised by a Solicitor who is authorised and regulated by the Solicitors Regulation Authority. Regulatory Information is available here:

[L17 Legal and Operations Team – Regulatory Information](#)

These notes can never be a substitute for detailed professional advice if there are serious and specific problems, but we hope you will find them helpful.

If you want to ask questions about the leaflets and one of the Baptist Trust Companies are your property trustees, you should contact them. They will do their best to help.

If your church property is in the name of private individuals who act as trustees they may also be able to help.

CHURCHES AND CHARITY REGISTRATION

Charity registration for churches began in October 2008. Many churches now need to be registered with the Charity Commission. This is a legal requirement for churches with an annual income over £100k.

Being a registered charity and having a charity number can be helpful particularly where churches are in discussion with grant making bodies and Local Authorities who are often mystified by the fact that not all churches are registered charities with their own Charity Number.

Unincorporated churches with an annual income under £100k (and over £5k) may now register voluntarily if they wish but are not obliged to do so. Charitable Incorporated Organisations (CIOs) have to be registered whatever their income level. Further information about the CIO option can be found in guideline leaflet *C11 Churches, Charities and Incorporation*.

CHURCHES AS CHARITIES

Churches have been charities for many years because of their activities. The advancement of religion is one of the objectives that makes an organisation or activity charitable.

Charity registration has been introduced progressively for all charities but churches (religious charities) are one of the last groups to be registered.

The technical phrase describing churches that are not registered charities (because their annual income is below the £100k threshold) is that they are 'excepted from registration' under The Charities (Exception from Registration) Regulations 1996. This arrangement is now effective until 31 March 2031, but only for churches with an annual income below £100k.

From April 2021 the excepting regulations were due to end and churches were expected to be treated the same as all other charities such that registration would be required for any church with an annual income over £5000. However the Charities (Exception from Registration) (Amendment) Regulations 2021 have extended the exception for a further ten years, until 31 March 2031.

In spring 2023 the Charity Commission started to allow excepted Baptist churches to register voluntarily if they wish to; this is entirely a matter for the local church to decide if their annual income is between £5k and £100k. No unincorporated charity is able to register with an income under £5k.

Churches only have to register if their gross annual income exceeds £100k. Gross income means all the money the organisation has received in a financial year from all sources, including:

- Grants;

- Gifts;
- Income from sales of goods and services;
- Fundraising;
- Interest on investments;
- Capital that the trustees can decide to spend as income (this figure is calculated before deduction of any costs or expenses); and
- Income from any special trusts.

It excludes:

- The receipt of a loan by the church;
- Loan repayments to the church;
- Money received from the sale of investments and fixed assets; and
- Gains or profits on the sale of investments and fixed assets.

If your church's income was over £100k last year but it is normally much less then the Charities Act does require you to register but you can apply to the Charity Commission for a determination that you need not do so. Their helpline number is 0300 066 9197 or you can contact them online here: <https://forms.charitycommission.gov.uk/charity-commission-enquiry-form/>

BANKS, SHOPS AND GRANT MAKING ORGANISATIONS

Many organisations regularly have relationships with all kinds of charities. Businesses will often offer a discount to charities. Grants are often available to charities that are not available to other organisations or individuals.

Most charities are now registered charities. Therefore, many commercial organisations, banks, shops or Local Authorities have prepared standard paperwork to collect details of a charity where a benefit or discount is being offered.

Many banks will ask for a Charity Number if a new account is opened or amendments are made to the arrangements on an existing account. Their paperwork contains a space for the number issued by the Charity Commission, and of course this causes great confusion for churches that are not registered. It is very difficult to fit the words 'excepted from registration' into a small box designed to receive numerical reference!

CHARITY NUMBERS

All registered charities have a Registered Charity Number. This is unique to their organisation. Charity Numbers of other organisations should never be used.

CAN I USE THE CHARITY NUMBER FOR THE BAPTIST UNION OF GREAT BRITAIN, THE BAPTIST UNION CORPORATION OR LOCAL ASSOCIATION?

Unfortunately not. It is tempting to use these numbers because you are a Baptist church but each number is unique to that particular charity. You must not use another organisation's number.

HOW CAN I GET A CHARITY NUMBER?

A Charity Number only becomes available when the charity is registered. Until your church is registered the Charity Commission cannot give you a number. Your church may have a gift aid number from HMRC but this is not the same as a charity registration number – it simply demonstrates that your church has been accepted as a charity that is entitled to claim gift aid by HMRC.

PREPARING ACCOUNTS

Churches should already be complying with various accounting requirements that represent 'best practice' for all charities. Once a church is registered it will need to submit accounts to the Charity Commission each year.

Information about accounting requirements is available from the BUGB Finance Office or as a download from our website (www.baptist.org.uk).

The relevant leaflets are:

- F02 *Guidelines on Charity Accounts with Income under £250,000*
- F03 *Guidelines on Charity Accounts with Income over £250,000*
- F05 *Preparation of Annual Reports*
- F07 *Charity Reserves*

PREPARING FOR REGISTRATION – A GOVERNING DOCUMENT?

Any charity seeking registration will need to submit their 'governing document' to the Charity Commission.

Churches have often had a document, or series of documents that describe their charity, its beliefs, activities and procedures. The Charity Commission now expects that information about the church to be drawn together into one document - the church constitution.

One key feature of registration is the need for a clear self-contained constitution that includes details of the church's charitable objectives (purpose) and the way the church operates. There is an agreed document for Baptist churches which the Charity Commission called an Approved Governing Document; this is available for Baptist Churches in membership with the Baptist Union. Churches who adopt the document can follow a fast-track through the registration process.

Now that there is an agreed document, churches will need to decide whether they are content to adopt that document as their own constitution. This would enable churches to take advantage of the fast-track online registration process.

Other constitutions might be registered by the Charity Commission but they may involve more detailed negotiation between the church and the Charity Commission before registration will be completed. We suggest that churches plan to discuss their Constitution over several months to ensure that members understand any changes that are necessary.

Reviewing and perhaps amending a church constitution can be time consuming and complicated. People may need time to understand how old church rules can be transferred into a modern comprehensive document.

This can be a positive opportunity to evaluate the church's life, vision, activities, and administration. We would want to suggest that it is part of the church's programme, with this task running alongside Bible Study and teaching of themes related to local church life. This could be a very creative process – not just a series of dull church members' meetings!

BAPTIST CHURCHES – AN APPROVED GOVERNING DOCUMENT

In preparation for registration three leaflets are available to assist you. We will not repeat all the information here, but please refer to:

- C03 *Church Constitutions*
- C05 *Using the Approved Governing Document*
- C04 *Approved Governing Document*

Baptist churches that work within a Local Ecumenical Partnership (LEP) will need a slightly different form of constitution. They should contact our Faith and Society Team for specific guidance faithandsociety@baptist.org.uk.

THE APPLICATION PROCESS

Further guidance is offered on the application process in the leaflet:

C07 *Registering as a Charity Online*

OTHER USEFUL SOURCES OF INFORMATION

These guideline leaflets are available from the Baptist Union website www.baptist.org.uk.

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| C01 | <i>Charity Legislation and Churches</i> |
| C15 | <i>Help I'm a Charity Trustee</i> |
| C03 | <i>Church Constitutions</i> |
| C04 | <i>Approved Governing Document</i> |
| C05 | <i>Using the Approved Governing Document</i> |
| C07 | <i>Registering as a Charity Online</i> |
| F02 | <i>Guidelines on Charity Accounts with Income under £250,000</i> |
| F03 | <i>Guidelines on Charity Accounts with Income over £250,000</i> |
| F05 | <i>Preparation of Annual Reports</i> |
| F07 | <i>Charity Reserves</i> |
| X03 | <i>Taxation Guidelines for Churches and Ministers</i> |

The Charity Commission website is also a useful source of helpful information: www.charity-commission.gov.uk.

| Association Trust Company | Contact |
|---|--|
| Baptist Union Corporation Ltd East Midland Baptist Trust Company Ltd | Baptist Union Corporation Ltd Baptist House PO Box 44 129 Broadway Didcot Oxfordshire OX11 8RT Telephone: 01235 517700 |
| Heart of England Baptist Association | Heart of England Baptist Association 480 Chester Road Sutton Coldfield B73 5BP Office Mobile: 0730 505 1770 |
| London Baptist Property Board | London Baptist Association Unit C2 15 Dock Street London E1 8JN Telephone: 020 7692 5592 |
| Yorkshire Baptist Association | 17-19 York Place Leeds LS1 2EZ Telephone: 0113 278 4954 |
| West of England Baptist Trust Company Ltd | West of England Baptist Trust Company Ltd Little Stoke Baptist Church Kingsway Little Stoke Bristol BS34 6JW Telephone: 0117 965 8828 |

This is one of a series of *Guidelines* that are offered as a resource for Baptist ministers and churches. They have been prepared by the Legal and Operations Team and are, of necessity, intended only to give very general advice in relation to the topics covered. These guidelines should not be relied upon as a substitute for obtaining specific and more detailed advice in relation to a particular matter.

The staff in the Legal and Operations Team at Baptist House (or your regional Trust Company) will be very pleased to answer your queries and help in any way possible. It helps us to respond as efficiently as possible to the many churches in trust with us if you write to us and set out your enquiry as simply as possible.

The Legal and Operations Team also support churches that are in trust with the East Midland Baptist Trust Company Limited.

If your holding trustees are one of the other Baptist Trust Corporations you must contact your own Trust Corporation for further advice. A list of contact details is provided above. If you have private trustees they too should be consulted as appropriate.

Contact Address and Registered Office:

Support Services Team, Baptist Union of Great Britain, Baptist House, PO Box 44,
129 Broadway, Didcot OX11 8RT
Tel: 01235 517700 Fax: 01235 517715 Email: legal.ops@baptist.org.uk
Website: www.baptist.org.uk Registered CIO with Charity Number: 1181392

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